

PATENT

Application No. 09/282,747
Attorney Docket No.: 99-007

REMARKS

Claims 1 - 81 are pending in the present application.

Claims 1, 36-37, 41-44, 49, 51-74 and 81 are independent.

New Claim 81

Newly added claim 81 recites, among other features:

receiving, during a transaction, an indication that an item has been placed in a shopping cart of a Web site of first vendor

This feature is not disclosed or suggested by any of the references cited by the Examiner.

Scroggie

In addition, neither Scroggie nor the other references cited by the Examiner disclose or suggest that, during the same transaction, at least two steps occur:

(1) displaying, during a transaction, an indication of the offer for the subsidy from the second vendor,

(2) selling, during the transaction, the item for a second price if the response indicates that the offer is accepted,

in which the second price is less than the price of the item.

In the embodiment of the invention defined by claim 81, displaying the indication of the offer during the same transaction in which the offer is provided may, for example, allow a customer to pay a reduced price, perhaps nothing at all, for his desired item or items. The offer also allows the second vendor to acquire a new customer

Support.

Applicants note that support for the limitation of these two steps occurring during the same transaction may be found in the present application at, for example, FIG. 13 and the

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accompanying text. Therein described is step 1310, in which "an indication of the offer (or offers) is provided to the customer", such as "text and/or images displayed on a Web page". At step 1312, the customer may have selected items he desires to purchase "via a Web page and put [the items] in a virtual 'shopping cart' ". Finally, at step 1318, "the offer is accepted and the customer is charged a lower price for the items than he otherwise would have been charged."

In addition, FIGS. 15A and B and the accompanying text described an embodiment of a method for providing an offer for a benefit to a customer that is to purchase one or more items from a first vendor. The customer may receive an immediate benefit in exchange for participating or agreeing to participate in a transaction with the second vendor. At step 1510, "the controller 110 provides an indication of the offer (including its associated obligation) to the customer." At step 1512, "the controller 110 receives an indication of items the customer desires to purchase", and at step 1516, "the credit card account is charged a lower price for the items than otherwise would have been charged."

Scroggie is a dissimilar system altogether. In Scroggie, a customer may browse a web site to select an incentive from a retailer or manufacturer. The incentive may be later redeemed when the customer visits that retailer. The incentive is either a physical printed coupon, or an electronic coupon that is redeemed when the customer later visits the store.

Also in Scroggie, manufacturer offers may apparently be sent via email to certain customers, and in-store incentives in the form of discount coupons may be printed as the customer pays for his or her purchases.

Accordingly, Scroggie fails to disclose or suggest that during a transaction with a first vendor for an item, a customer may be sold the item for a lower price, or for free, by accepting an offer from a second vendor.

In light of the above, it is clear that Scroggie also does not disclose or suggest:

receiving an indication that an item has been placed in a shopping cart of a Web site of first vendor

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Newly added claim 81 is likewise not obvious in light of the Nynex article cited by the Examiner.

As stated previously, the Nynex article discloses an advertisement for cellular services that offers a "free" phone in exchange for a two-year contract for cellular phone services. The Nynex article, however, does not disclose

an offer for a subsidy from a second vendor

The Nynex article, in fact, does not suggest any second vendor – only one vendor is mentioned in the Nynex article. It appears that the single vendor provides the phone as well as the phone service, and accordingly charges a "bulk price" for these two products.

Accordingly, since Nynex is devoid of a second vendor, the Nynex article also fails to suggest the recited limitation of:

the offer includes a requirement to participate in a transaction with the second vendor

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For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Applicants believe no fee is due. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,



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